

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

8/10/2015 2:35 pm

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LYNDA M. FREGO,

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Plaintiff,
-against-

ORDER
11-CV-5462(SJF)(SIL)

PAROLE OFFICER F. KELSICK and
SENIOR PAROLE OFFICER
SENZAMICI,

Defendants.

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FEUERSTEIN, J.

Before the Court is Magistrate Judge Steven I. Locke's Report and Recommendation, dated April 15, 2015 [Docket Entry No. 91 ("Report")],¹ recommending that defendants' motion for summary judgment [Docket Entry No. 86 ("Defendants' Motion for Summary Judgment")] be granted, *pro se* plaintiff's Motion for Summary Judgment [Docket Entry No. 88 ("Plaintiff's Motion for Summary Judgment")] be denied, and the Complaint be dismissed in its entirety. The Court has fully considered the submissions made by defendants and plaintiff, and plaintiff's *pro se* status.² For the reasons that follow, the Court adopts the Report in its entirety.

Any portion of a report and recommendation on a dispositive matter to which a timely objection has been made is reviewed by the district court *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court, however, is not required to review the factual findings or legal

¹ The facts underlying this action are set forth in the Report and are hereby incorporated by reference. *See Report*, at 1-8.

² Generally, a court should construe submissions by *pro se* plaintiffs liberally and "interpret them to raise the strongest arguments that they suggest." *Scott v. Rock*, No. 10-civ-5989, 2013 WL 360398, at *3 (E.D.N.Y. Jan. 30, 2013) (quoting *Pabon v. Wright*, 459 F.3d 241, 248 (2d Cir. 2006)).

conclusions of the magistrate judge as to which no proper objections are interposed. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. *See Fed. R. Civ. P.* 72(b); *Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007), *aff'd*, 305 F. App'x 815 (2d Cir. Jan. 9, 2009); *Baptichon v. Nev. State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. Apr. 13, 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); *Fed. R. Civ. P.* 72(b).

No objections to Magistrate Judge Locke's Report have been filed and the time to file objections has passed. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts the Report in its entirety. For the reasons set forth in the Report, Defendants' Motion for Summary Judgment is granted and Plaintiff's Motion for Summary Judgment is denied. The Clerk of the Court shall enter judgment accordingly and close this case.

SO ORDERED.

s/ Sandra J. Feuerstein
Sandra J. Feuerstein
United States District Judge

Dated: August 10, 2015
Central Islip, New York